

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

**CHRISTOPHER MORGAN, individually  
and on behalf of a class of persons and  
entities similarly situated,**

**Plaintiff,**

**v.**

**ON DECK CAPITAL, INC.**

**Defendant.**

**Civil Action No. 3:17-cv-00045-NKM**

**On Deck Capital, Inc.'s Motion for Protective Order**

Defendant On Deck Capital, Inc. ("OnDeck"), by counsel, pursuant to Federal Rule of Civil Procedure 26(c)(1), submits this Motion for a Protective Order. For the reasons more fully set forth in the accompanying Memorandum in Support, OnDeck seeks an Order limiting the upcoming fact witness depositions and Rule 30(b)(6) deposition to facts pertaining to whether the Manual Touch Mode telephone used to call Plaintiff on June 19, 2017: (1) could generate numbers to be called using a random or sequential number generator; and (2) could dial number automatically without human intervention. OnDeck also asks for all other relief the Court finds equitable and just, including its costs and fees in bringing this motion.

Dated: February 5, 2019

Respectfully submitted,

**ON DECK CAPITAL, INC.**

By: /s/ David M. Gettings  
Of Counsel

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